



PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 1784/WO	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/FR2004/000939	International filing date (day/month/year) 16.04.2004	Priority date (day/month/year) 16.04.2003
International Patent Classification (IPC) or national classification and IPC		
Applicant EUROCOPTER		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.	
2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.	
3. This report is also accompanied by ANNEXES, comprising:	
a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>4</u> sheets, as follows:	
<input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).	
<input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.	
b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s))	
_____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).	
4. This report contains indications relating to the following items:	
<input checked="" type="checkbox"/> Box No. I	Basis of the report
<input type="checkbox"/> Box No. II	Priority
<input type="checkbox"/> Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/> Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/> Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/> Box No. VI	Certain documents cited
<input type="checkbox"/> Box No. VII	Certain defects in the international application
<input type="checkbox"/> Box No. VIII	Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/FR2004/000939

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
 - ☐ publication of the international application (Rule 12.4)
 - ☐ international preliminary examination (Rule 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

- ☐ the international application as originally filed/furnished
- ☒ the description:

pages 1-13 as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

- ☒ the claims:

nos. 9 as originally filed/furnished

nos.* _____ as amended (together with any statement) under Article 19

nos.* 1-8 received by this Authority on 05.04.2005 with letter of 01.04.2005

nos.* _____ received by this Authority on _____

- ☒ the drawings:

sheets 1/1 as originally filed/furnished

sheets* _____ received by this Authority on _____

sheets* _____ received by this Authority on _____

- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/FR2004/000939

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Claims	_____	YES
Claims	1-8	NO

Inventive step (IS)

Claims	_____	YES
Claims	1-8	NO

Industrial applicability (IA)

Claims	1-8	YES
Claims	_____	NO

2. Citations and explanations (Rule 70.7)

1. Reference is made to the following document:

D1: US-B1-6 421 603 (HARTMANN GARY L ET AL) 16 July
2002 (2002-07-16)

2. INDEPENDENT CLAIMS 1 and 7

2.1 The present application fails to meet the requirements of PCT Article 33(1), since the subject matter of claim 1 does not comply with the criterion of novelty as defined by PCT Article 33(2).

D1 describes (the references between parentheses apply to said document) an aircraft flight safety method by means of which a flight plan is drawn up (column 3, lines 17 to 19), then the conflicts with the environment outside the aircraft are detected so as to form a safe route (figure 8). As described in D1, figure 9, the first segments only or the entire route (column 4, lines 17 to 19) are constructed and safety is assessed segment by segment, at any time and in any location (column 8, lines 46 to 49). For each segment, parameters relating to the area concerned are at the disposal of the aircraft. The method of D1 can therefore be described in three steps:

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

- the safety of the effective route of the aircraft is verified (figure 1);
- the safety is verified relative to parameters acquired on board (column 7, lines 5 to 20):
- assistance with regard to the conflicts is provided on board the aircraft (figure 9, 960).

2.2 The same argument applies, *mutatis mutandis*, to the subject matter of the corresponding independent claim 7, which is therefore not novel either.

3. DEPENDENT CLAIMS 2 TO 6 AND 8

Dependent claims 2 to 6 and 8 contain no feature which, when combined with the features of any one of the claims to which they refer, defines subject matter that complies with the PCT requirements of novelty and/or inventive step.

The step described in claim 2 wherein the safe route is determined in 3 steps is available to a person skilled in the art. This interactive process with the pilot is suggested in D1, column 2, lines 5 to 10. Similarly, the method steps described in claims 4, 5 and 6 wherein images and information presentation are overlaid, constitute routine practice that a person skilled in the art would foreseeably put into effect.

Claim 3 relating to the safety of the effective route of the aircraft is described in figure 9 of D1.